

IPSWICH PLANNING BOARD MEETING MINUTES

Thursday, June 2, 2016, 7:30 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, June 2, 2016 in Room A, 2nd floor of Town Hall. Board members Heidi Paek, Keith Anderson, Kathleen Milano and Cathy Chadwick, and Associate member, Carolyn Britt, attended. Senior Planner, Ethan Parsons, also attended.

Paek convened the meeting with a quorum present.

Citizen Queries

None

Adopt Minutes of March 24, 2016 meeting

It was noted that a reference was incorrectly made to a free standing sign at Tractor Supply. Reference should be made to two wall signs.

Chadwick moved to approve with the change discussed. Anderson seconded. The motion passed unanimously.

Documents:

- Draft minutes of 3/24/16 meeting

Announcement: The Board received notice on May 27th from the Department of Environmental Protection Waterways Regulation Program of the installation of a float and gangway in the Ipswich River at 52 Turkey Shore Road. There is an opportunity for public comment on this matter until June 27th.

Request by S&K Homes to allow issuance of building permit for Lot 8 in the Willowdale Circle subdivision.

The Willowdale Circle subdivision was approved in 2006 and is moving forward at this time. Larry Graham, H.L. Graham Associates, and Scott Audette, S&K Homes, appeared before the Board to discuss their request for authorization for a building permit for lot 8 in the subdivision. Paek stated that one of the requirements was that the water flow at the hydrant nearest the lot meet town standards. The Fire Chief had indicated that the flow did not meet the town standard. Graham and Audette said that the street sign is in progress; they are waiting on the proper post. Utilities and the recycled asphalt binder has been installed and the Conservation Commission Order of Conditions is up to date. Audette said he spoke with the Fire Chief and the Building Inspector and was concerned because other new houses in town do not have to install sprinklers and most of the hydrants in town do not meet the flow rate the Board is requiring him to have. Paek read from the decision in 2006, which included this requirement. Anderson said he was unwilling to put himself into the minds of the Board members in 2006 as the decision is clear. The applicant is struggling with it being required on his lots but not all over town. Graham said that he thought the condition was included because outer Linebrook Road is on the end of the water system, therefore the Board wanted a flow test done. He said that the water line is being replaced from in town to Route 1 as part of the Linebrook Road project. The changes this will cause should be investigated as it may enhance the flow and pressure out in this location. Paek suggested they sprinkler this house and address the flow rate when permits are sought for the other houses. It was confirmed the applicant could come in for all the lots together at a later date if they have all the site plans. Graham suggested they vote

on allowing a building permit for lot 8, conditioned on the sprinkler system and possibility of modifying the Board's action if water flow conditions change.

Anderson moved to approve lot 8 provided that a sprinkler system be installed in the house and all other building permit conditions have been met. Chadwick seconded. The motion passed unanimously.

Documents:

- *Approval of Definitive Open Space Preservation Subdivision Plan, 12/18/16*
- *Plan to Accompany a Notice of Intent Filing of Lot 8, Willowdale Circle; prepared by H.L. Graham Associates, Inc., 2/5/16, rev. 3/9/16, 4/27/16, 5/10/16*
- *Draft Declaration of Trust of Willowdale Circle Condominium Trust*
- *Form F Conditional Approval Contract, filed with Clerk 8/24/07*
- *Willowdale Circle Condominium Master Deed*
- *Draft Quitclaim Deed to Essex County Greenbelt Association*

Request by Pamela Casey for authorization for issuance of a temporary certificate of occupancy related to Site Plan Review decision for 23 Old Right Road.

This project was before the Board in April 2015 as a site plan review application for an addition to an existing industrial building. The Building Department has already issued a temporary certificate of occupancy. Peter Pommersheim from Meridian Associates appeared before the Board to discuss the project status. He explained the improvements that have been made. He also explained that there is a phase 2 of the project but there are currently no plans to start. The Fire Chief is satisfied and has already signed off on the temporary certificate of occupancy. As-built plans are being developed. Regarding drainage, everything is working as intended. Anderson asked how far along the lighting installation was. Pommersheim explained this should be completed once the parking lot was paved. Anderson also asked about the tenant's hours of operation. Pam Casey, owner, said their hours are 7AM -5PM and the new space is primarily storage. Parsons suggested that the Board could allow the Building Inspector to extend the temporary certificate of occupancy for an additional sixty days. The applicant hopes completing the project won't take sixty days but noted it is possible. Anderson said he could support extending for ninety days. Milano asked if they could extend it to 90 days, and Parsons said that the Board could do so.

Anderson moved to authorize extending the temporary certificate of occupancy until September 1st. Milano seconded. The motion passed unanimously.

Documents:

- *Letter from Pamela Casey to E. Parsons*
- *Site Plan Approval, 4/16/15*
- *Permit Site Development Plan, prepared by Meridian Associates, revised through 2/24/16*

Request by Meridian Associates for a minor modification of the Site Plan Review decision for 116 County Road/Aubuchon Hardware

Peter Pommersheim, Meridian Associates, appeared before the Board to discuss locating HVAC units and moving a parking space. Pommersheim said the initial plan was to utilize the existing equipment, but based on the fit of the interior of the building and new building code requirements it was not going to work. This caused Aubuchon Hardware to have to install ground mounted units. One unit would be sited on the northern side of the building, necessitating the removal of a parking space, and the second unit would be sited in the northwest corner of the building. Anderson said he would prefer that the unit closest to County Road was not visible but acknowledged that the proposed location is better than on the parking

lot side (south) of the building. Anderson felt this was a minor modification, but if the contractor entrance is being changed to a public access he would like this to appear before the Board as it was not what was envisioned by the Board when they approved the project. Pommersheim said he would have more discussions with the applicant.

Anderson moved that this was a minor modification. Chadwick seconded. The motion passed unanimously.

Anderson moved to approve the minor modifications, including the parking space, HVAC units and plantings. Chadwick seconded. The motion passed unanimously.

Documents:

- Letter from Peter Pommersheim, Meridian Associates, to Planning Board, dated 5/26/16
- HVAC Sketch Plan, prepared by Meridian Associates, 5/26/16

Request by Samantha Williams for authorization for issuance of a temporary certificate of occupancy at 9 Nags Head Road, related to Site Plan Review decision

Samantha Williams, applicant, appeared before the Board. Paek stated the access driveway and parking area seems very rough. Williams said the requested temporary certificate of occupancy is meant only for usage of the riding arena as the barn addition is still in progress. They would not be bringing new visitors to the property at this point. Everything to the east is complete, but everything to the west is still in progress. The rough grading of the road and driveway has been completed, but the road pack and seeding is not complete. The parking for existing clients would be in the existing parking spots around the barn. Paek said she wanted to make sure that if this is approved people would only be parking around the barn and there wouldn't be any new visitors. Anderson asked if the Fire Chief had to weigh in on access issues before approving the temporary certificate of occupancy. Parsons said that he believed he would need to. Williams said no new business is possible until construction is complete.

Milano moved to approve the temporary certificate of occupancy. Chadwick seconded. The motion passed unanimously.

Documents:

- Letter from Samantha Williams to Planning Board, 5/26/16

Request by Department of Public Works for 67 Turkey Shore Road scenic road modification

Kevin Westerhoff, owner of 67 Turkey Shore Road, appeared before the Board. Paek explained that Labor in Vain Road is a scenic road, which means the Planning Board has jurisdiction over certain features within the right of way, including tree removals and modifications to stone walls. This request relates to a decision from 2013, which allowed removal of trees in the vicinity of 67 Turkey Shore Road. The Board decided that three trees should be planted. Westerhoff is interested in modifying the planting plan. He said he preferred different native trees in different locations to fill in the canopy because since 2013 another elm in the area has died. Paek commended Westerhoff for his interest in this process and said she is fine with the sugar maple and the beech tree, but if there is room for a third tree she would like another planted. The Board decided to allow the planting of an Amelanchier, Sugar Maple and Beech. Anderson asked who would be responsible for the maintenance of these trees if they were planted on private property. Paek said if these move out of the right of way then the Board loses control over them, therefore they should be planted in the right of way.

Anderson moved to approve the tree changes as discussed. Milano seconded. The motion passed unanimously.

Documents:

- *Plot Plan, 67 Turkey Shore Road, 5/26/16*
- *Planning Board Minutes, 9/12/13, 10/24/13*
- *Description of Replacement Trees, prepared by John Feener*

New Public Hearing: Request by James Zabelski for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 15 Estes Street (Assessor's Map 42A, Lot 187), which is located in the Intown Residence District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

Paek read the legal notice. David Jaquith, architect, and James Zabelski, applicant/owner, appeared before the Board to discuss the project. Paek appointed Britt to vote on this matter. Jaquith explained that during a survey of the property it was discovered that the barn on this property is encroaching on the neighbor's yard by a foot. They would like to bring the barn onto the applicant's property. The barn is in bad shape. The sill and foundation are pretty much gone. Zabelski said he would like to talk to his northeasterly neighbor prior to planting anything tall because the neighbor has a garden on that side of the house and he wouldn't want to block out his sunlight. Zabelski plans to try to reuse some barn boards that will be refinished for ceilings but those are the only materials that appear salvageable.

Sharon LeBlanc, 19 Estes Street: Asked if there would be a fence between their properties. She would like one to extend the entire length of the lot line and be tall. She has issues with parking. She said that workers associated with Mr. Zabelski have parked in her driveway and didn't want to move. She would like to prevent people from parking on her property. She would like to know if there is enough parking for all tenants and construction vehicles on 15 Estes Street.

The Board asked for a site visit on Saturday, June 18th at 9AM. Zabelski agreed and said the public could attend.

Milano asked if the 2 feet removed off the southern side would be added to the other side of the building. It was confirmed that it would not as the new building would result in a reduction from the size of the existing barn.

Milano moved to continue the public hearing. Britt seconded. The motion passed unanimously.

Documents:

- *Special Permit application filed 5/10/16 with Clerk*
- *Letter from David Jaquith, AIA, to Planning Board, dated 5/8/16*
- *Site Plan, prepared by David Jaquith, 4/11/16, revised 5/8/16*
- *Plot Plan of Existing Conditions, prepared by Leblanc Survey Associates, Inc., 2/25/16*
- *Architectural Plans, prepared by David Jaquith, 4/11/16*
 - o *Sheet 1: Front Elevation*
 - o *Sheet 2: Left & Right Side Elevations*
 - o *Sheet 3: First Floor Plan*
 - o *Sheet 4: Second Floor Plan*
 - o *Sheet 5: Existing Front & Right Side Elevations*
 - o *Sheet 6: Existing First Floor Plan*

- Sheet 7: Perspective Drawing
- Sheet 8: Site Aerial Image
- Sheet 9: Photographs

New Public Hearing: Request by Craig Bergeron for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 135 Topsfield Road (Assessor's Map 53A, Lot 4), which is located in the Rural Residence District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

Craig and Cathy Bergeron appeared before the Board to discuss the project. Their lot at 135 Topsfield Road is just under 5.6 acres and is improved with a barn. They would like to convert the second floor of the barn to a one-bedroom apartment for one of their children. With the exception of a second means of egress, they are not proposing any alterations. There will be very few exterior changes. The proposed public benefit is use of the dwelling unit by a family member of the owner. Craig Bergeron noted that parking is not an issue on this site. Neighbors are within view but not too close. A site visit was set up for Saturday, June 18th at 9:30AM. The Bergerons agree to the site visit and stated that the public may attend.

Anderson moved to continue the public hearing, Milano seconded. The motion passed unanimously.

Documents:

- Application form, filed 5/9/16 with Clerk
- Memo from Craig Bergeron, dated 5/6/16
- 135 Topsfield Road photographs
- 135 Topsfield Road barn building permit
- Stormwater Management Plan, prepared by H.L. Graham Associates, Inc., 6/5/13, revised 6/26/13

Continued Public Hearing: Request by Kathleen M. Rhodes and Nicole M. Linehan for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 51 Heartbreak Road (Assessor's Map 54D, Lot 13), which is located in the Rural Residence A District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

Rich Kallman, attorney for the applicant, and Nicole Linehan, applicant, appeared before the Board to discuss the project status. They discussed the clarification on the meaning of immediate family and that they are satisfied as the decision now speaks of family members generally.

Parsons read the draft decision. Parsons and the Board discussed some potential changes. Under condition number 5, Parsons would like to strike the redundant sentence. Under condition 6, the Board discussed the affordable requirements, and any possible scenarios for the unit.

Chadwick moved to close the public hearing. Milano seconded. The motion passed unanimously.

Chadwick moved to approve the special permit decision as discussed. Milano seconded. The motion passed unanimously.

Documents:

- Draft Special Permit decision for Planning Board consideration at 6/2/16 meeting, prepared 5/17/16 by Planning Staff

Continued Public Hearing: Request by J&K Realty Trust for a special permit for a multifamily use and modification of a site plan approval for the addition to a mixed use building and related site development at 195 and 199 High Street (Assessor's Map 21, Lot 7A & 93), which is located in the

Highway Business Zoning District and Water Supply Protection District, pursuant to but not limited to Sections V, X and XI.J, of the Zoning Bylaw.

Continued Public Hearing: Request by J&K Realty Trust for a special permit for a multifamily use and modification of a site plan approval for the addition to a mixed use building and related site development at 195 and 199 High Street (Assessor's Map 21, Lot 7A & 93), which is located in the Highway Business Zoning District and Water Supply Protection District, pursuant

Nancy McCann, attorney for the applicant, appeared before the Board with Jim McDowell to discuss the project status. There was discussion about which members could vote as Stanbury was absent and the Britt has not been appointed to vote on this application. McCann discussed this with the applicant. The Board said they were generally supportive of the project but indicated they may have some conditions that the decision would be contingent on. It was noted that the Water Subcommittee had recommended approval of this project and the Conservation Commission approved the project. Paek had questions about the fencing, noting she had a strong preference for wood fencing. McCann said the applicant prefers vinyl because of ease of maintenance but the applicant would accept the Board's requirement. Paek explained that wood is a more natural product and what they request on other projects so she would recommend sticking with the Board's practice on this issue. Paek also would like to see signage in the parking lot that prohibits drivers from making a left turn out of the northern driveway. McDowell said a sign could likely be installed. He said that after discussions with Massachusetts Highway they would report back to the Board. Paek also said there is not a crosswalk in this vicinity and the sidewalk is on the other side of the street. She asked that the applicant raise the question about Mass Highway installing a crosswalk in this location at the same time they look into the other aspects of this project.

Parsons read the draft decision. The decision combined the special permit and site plan review applications for the multifamily component of the project with the Water Supply Protection District related special permit. Paek asked that the condition on the fence be changed to state "six-foot-high wood privacy fence". The decision would also be adjusted to indicate the applicant has received approval from the Conservation Commission. Paek suggested that finding number 2 on page 2 be clearer on how many parking spaces are affiliated with 195 High and how many affiliated with 199 High. She would also like to confirm how many total spaces are on the property, including the number of handicap spaces. On finding number 3A, she would like to know if 2 units are handicap adaptable. This was confirmed as true and this would be added to the decision so that it was noted the applicant made that effort. Under 12e they would mention the curb cut and discussion of a crosswalk. McDowell agrees that there are 72 parking spots, 43 are proposed for 197 and 199 and there are 3 handicap spaces. The remaining spaces are for 195 High. One of the plans needs to be changed to have the correct space counts, then Parsons or Gibbs will be authorized to sign it on behalf of the Board, as stipulated in the decision.

Chadwick moved to close the public hearing. Milano seconded. The motion passed unanimously.

Milano moved to close the public hearing. Chadwick seconded. The motion passed unanimously. Chadwick moved to approve the special permit and site plan as discussed, Milano seconded. The motion passed unanimously.

Documents:

- Letter from Nancy McCann to E. Parsons, 5/24/16
- RAB Lighting Specifications: ALXH250PSQ/PC, ALXH200XPSQ/PC
- Southwest/High Street Elevation Perspective

- *Site Development Permit Plan, Sheet 6 of 8, revised through 5/26/16 by Morin Engineering*
- *Draft decision prepared by Planning staff 5/31/16 for 6/2/16 meeting*

Continued Public Hearing: Request by Jonathan & Nicole Robie for a special permit and site plan approval for a 10-unit multifamily development at 48 Market Street (Assessor's Map 42A, Lot 201), which is located in the Central Business District, pursuant to but not limited to *Sections V, VI.B and Footnote 11, X and XI.J*, of the Zoning Bylaw.

The applicant requested that this matter be continued without discussion.

Chadwick moved to continue the public hearing without discussion. Milano seconded. The motion passed unanimously.

General Business:

1 Echo Court Subdivision: Request for Modification and release of performance guarantee: Chris Sciacca, developer, and Larry Graham, H.L. Graham Associates, appeared before the Board and requested approval of two modifications, that the Board accept the as built plan and authorize issuance of the certificate of occupancy for the new single family home. The first change is the design plans called for a street sign to be on Topsfield Road side of the intersection and it has been placed on the opposite side, they feel this is more appropriate. It is behind the existing utility pole and this enables it to be clearly visible to drivers in either direction. The pavement area in the turnaround was designed 30 feet, it was designed a little further south but it is still 30 feet. Now there is probably 30 feet space between the end of the court to the face of the garage so there is plenty of space to maneuver.

Milano moved that these were Minor modifications. Chadwick seconded. The motion passed unanimously.

Chadwick moved to approve the minor modifications. Milano seconded. The motion passed unanimously.

Chadwick Moved to approve the as built plan. Milano seconded. The motion passed unanimously.

Milano moved to approve staff to sign off on the certificate of occupancy, Anderson seconded. The motion passed unanimously.

Documents:

- *Field Report 1 Echo Court, prepared by W.C. Cammett Engineering, Inc., 5/23/16*
- *1 Echo Court As-Built Plan, prepared by H.L. Graham Associates, Inc., 6/2/16*

Sciacca posted surety \$8,700 and wondered when it could be released. A written request was required to release this. Parsons wanted to make sure this was done properly administratively. The Board could vote but condition it on this letter.

Chadwick to release of the surety contingent on applicant providing the proper process. Milano seconded. The motion passed unanimously.

Documents:

- *Record As-Built Plan for 1 Echo Court, prepared by H.L. Graham Associates, Inc., 6/2/16*

Special Town Meeting Zoning Changes: Paek will be appearing before the Selectmen to discuss these changes on June 6th. Staff sent a memo to Board members detailing the changes that have been made. These were discussed. Parsons said they don't need the actual language on June 23rd but they needed to vote on which matters to present at town meeting on this date. For signage, Parsons felt they should eliminate the language that there should not be an unobstructed view up to 4 feet, he feels this is why signs are being built taller. The setbacks should also be increased. Chadwick discussed the changes that were made, that puts everything in one place for clarity and user friendliness. The problem is this will be difficult to show at town meeting.

Documents:

- *Proposed Sign Bylaw revisions, prepared by Planning Staff, 5/27/16*

Adjournment: Chadwick moved to adjourn the meeting. Anderson seconded. The motion passed unanimously.

Respectfully submitted,

Jennifer Dionne

The Board approved these minutes on August 11, 2016